
Docket No. 214505US8PCT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: :

Yuichi WATANABE :

SERIAL NO: 09/926,281 :

FILED: October 23, 2001

TITLE: APPARATUS AND CIRCUIT FOR POWER SUPPLY, AND APPARATUS
FOR CONTROLLING LARGE CURRENT LOAD

**PETITION UNDER 37 CFR 1.181 TO WAIVE EXTENSION FEES,
OR IN THE ALTERNATIVE, TO RESET THE PERIOD TO RESPOND TO A
DECISION ON PETITION, DUE TO NON-RECEIPT OF SAID DECISION**

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Responsive to the Decision on Petition mailed June 4, 2002, Applicant, through counsel of record, respectfully requests that the payment of extension fees be waived, or in the alternative, that the period for responding to the Decision be reset, due to non-receipt of the Decision within the original response period. The facts concerning this matter are as follows:

On October 11, 2002, Applicant's counsel received a Decision in response to a Request for Corrected Official Filing Receipt. This Decision was mailed October 8, 2002, and referred to an earlier Decision which had been mailed June 4, 2002 and was never received at the office of Applicant's counsel. (A faxed copy of the earlier decision has since been obtained, and it is the basis for the response submitted concurrently herewith.) The earlier Decision dismissed Applicant's Petition to Correct Notification of Acceptance (hereafter "dismissal Decision") and stated that "a proper response must be filed within the time period remaining from the 04 June 2002 decision." Since the original response period was set at two months, the Applicant would now have to pay

three months' extension fees in order to comply with this directive of the dismissal Decision. However, since the untimely filing of a Response to the dismissal Decision is due to the dismissal Decision never being received, Applicant believes that the Commissioner should either waive the extension fees, or reset the period to respond so that it starts from October 21, 2002, which is the date Applicant received the dismissal Decision by fax.

To substantiate the claim that the dismissal Decision of June 4, 2002, was never received, applicant's counsel presents the following facts:

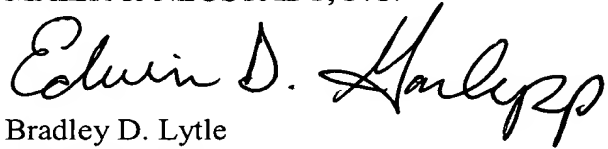
Upon receipt of the mail from the Patent Office in this firm, all mail is opened and logged in a daily computer mail log. All mail received from the Patent Office is logged in the mail log by serial number or patent number, along with a description of the mail received. At the time of entry into the computer, the serial numbers are checked to ensure that the correct docket number appears on the mail so that the documents are entered in the correct application in the computer and matched with the correct application file. Any due dates resulting from the Patent Office mail are entered in a computer docketing system.

After receiving the second Decision (mailed October 8, 2002), which referred to the dismissal Decision (mailed June 4, 2002), a thorough search was made in all records for the dismissal Decision. The entire contents of the file wrapper were reviewed, and no Decision was present. Then the computer system was checked. A review of the daily mail log revealed that a single page was received in this case on June 24, 2002, but the complete decision, including the due date, was not included with the paper. A copy of the mail log for June 24, 2002, is attached hereto. If the complete dismissal Decision had been received, a due date for a response to the dismissal Decision would have been entered into the computer docketing system. However, the computer Due Dates section for the subject application did not show such a date. (Copies of the full docket printouts for the due date, August 4, 2002, and both the day before and the day after, are enclosed.)

It is believed that the facts set forth above clearly demonstrate that the dismissal Decision mailed June 4, 2002, was not received, and based on this discussion, the Applicant respectfully requests the relief set forth above.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
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